

104
12-15-05

STAFF RECOMMENDS DENIAL

ORDINANCE NO.

1 **AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT**
2 **208 WEST NORTH LOOP BOULEVARD FROM CERTAIN FLOODPLAIN**
3 **REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION**
4 **OF AN ADDITION TO AN EXISTING HOUSE IN THE 25 AND 100-YEAR**
5 **FLOODPLAIN, AND PROVIDING AN EXPIRATION DATE FOR THE**
6 **VARIANCES.**

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8 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**
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10 **PART 1.** This ordinance applies to the construction of a two-story addition to an existing
11 single-family house located at 208 West North Loop Boulevard within the 25 and 100-
12 year floodplain subject to Building Permit Application No. BP-05-7331RA.

13 **PART 2.** Council has considered the factors for granting a variance from floodplain
14 regulations prescribed by City Code Section 25-12-3, Appendix Chapter 58, Article 8,
15 Subsection D (*Variance Procedures*). Council finds that the variance granted by this
16 ordinance is the minimum necessary to afford relief, is based on good and sufficient
17 cause, and failure to grant the variance would result in exceptional hardship. Council
18 further finds that the variance granted in this ordinance will not result in increased flood
19 heights, additional threats to public safety, or extraordinary public expense, or create a
20 nuisance, cause fraud on or victimization of the public, or conflict with existing local
21 laws or ordinances.

22 **PART 3.** A variance is granted from:

- 23 (A) the restriction on construction in the 25-year floodplain prescribed by City
24 Code Section 25-7-92 (*Encroachment On Floodplain Prohibited*);
- 25 (B) City Code Section 25-7-152 (*Dedication of Easements and Rights-of-Way*)
26 to exclude the footprint of the residence from the requirement to dedicate an
27 easement to the limits of the 100-year floodplain;
- 28 (C) the prohibition against expanding, changing, enlarging, or altering a
29 structure in a way which increases its nonconformity prescribed by City
30 Code Section 25-12-3, Building Code Appendix Chapter 59, Section 5903
31 (*Nonconforming Uses*).

(D) the requirement that normal access to a building be by direct connection with areas above the regulatory flood datum prescribed by Section 25-12-3, Building Code Appendix Chapter 59, Section 5912 (*Requirements for Other Flood-Proofing Methods*) of the City Code; and

(E) the requirement that the lowest floor of a residential structure be elevated one foot above the 100-year floodplain prescribed by City Code Section 25-12-3, Building Code Appendix Chapter 58, Article 9B(1) (*Provisions for Flood Hazard Reduction*).

PART 4. If the project for which this variance is granted does not receive all necessary building permits before December 15, 2006, this variance expires.

PART 5. Approval of this variance does not constitute approval of zoning, subdivision, a site plan, a building permit, or any other development permit, and it does not constitute a commitment to any particular land use, intensity of land use, or utility services. Approval of this variance does not constitute a guarantee of flood insurance availability, rates, or requirements.

PART 6. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

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§

_____, 2005

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk